

The members of the FISA Court are sitting district court judges and have their own full dockets.

The risk of unnecessarily exposing some of our most sensitive collection if litigation continues is too great. The best remedy is to provide immunity to the telecommunication providers as the managers' amendment does. Other amendments propose unnecessary additions to provisions already included in the managers' amendment. For example, the managers' amendment contains a 6-year sunset and an exclusivity provision. Yet amendments have been offered to make this legislation expire in 2 years or 4 years.

Additionally, an amendment has been offered to state that absent some other expressed order from Congress, FISA and title XVIII are the exclusive means to conduct electronic surveillance. This would require Congress to pass a law authorizing the President to conduct electronic surveillance after an attack on our country.

What if Congress were not able to meet, let alone agree on language authorizing electronic surveillance after an attack on our country? This amendment ignores longstanding debate regarding article I and article II powers, a debate the courts have dodged time and again. I support the bipartisan language in the managers' amendment which maintains the status quo of this important constitutional question.

Finally, an amendment has been offered requiring an audit of the terrorist surveillance program. As I stated earlier in comments yesterday, the Intelligence Committee has conducted a thorough review of this program over many months, which included testimony, extensive document reviews, and even trips out to our intelligence agencies to witness how this program is operated.

I understand that sometimes partisanship impedes action in Congress. But I do not recall when some of my colleagues have had such little faith in the bipartisan findings and conclusions of a committee in this body.

This amendment disregards the committee's finding and asks for yet another retrospective review of this program. This is not only duplicative, but it is unnecessary. The Protect America Act expires a week from today; the threat from al-Qaida will not expire a week from today.

It is now time for Congress to act and to fix FISA so our intelligence community has the tools it needs to do its job in a very professional manner and gather information necessary to protect our national security.

Protecting our national security is in the interest of all Americans, and Congress should seek to ensure that our Nation is protected fully. The members of the intelligence community say the managers' amendment contains many tools they need to protect our country. I urge my colleagues to support the managers' amendment.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ECONOMIC STIMULUS

Mr. DODD. Mr. President, I had earlier this morning intended to spend a few minutes talking about the stimulus package that was at least agreed to between the leadership of the other body and the administration, a matter that will be coming here and the Senate will have an opportunity to express its will on that matter.

But I wanted to speak on it for a moment, at least as Chairman of the Senate Banking Committee that will have at least a small part of that discussion, because of the inclusion of the FHA proposals as well as the loan limits within the GSEs, which I commend the administration for including. These are critical elements.

We must, of course, deal with people's problems. But is something else again to deal with the problems that have caused people's problems. In my view, the deeper problem is the foreclosure crisis. That is the underlying issue, in my view, and therefore to have dealt with a short-term stimulus package that did not include some measures and steps that would address the housing issue and the foreclosure issue would have been shortsighted. So I was pleased to see that in addition with some rebates and refundable tax assistance, even to those who have very limited incomes, as well as assistance to those with young children and families. All are wonderful ideas.

I know Senator BAUCUS, who will have the bulk of the responsibility in the Finance Committee for dealing with this, along with others who want to add elements of dealing with such things as unemployment insurance or food stamps or low-income energy assistance and the like, will have some additional thoughts on this short-term package. But I felt it was important to express some optimism about the direction it is going in and to note how important it is for consumers and investors to begin to have their confidence restored.

FISA

Mr. DODD. Mr. President, I rise this morning to continue the debate and discussion on the Foreign Intelligence Surveillance Act. Let me underscore the point that Majority Leader REID and others have made. I listened carefully to the comments of Senator MCCONNELL, the distinguished Republican leader.

I have served in this body for more than a quarter of a century now, and it

is unfortunate that we seem to have come to a point where not as much is happening as should be happening, in my view.

I brought committee products to the floor on many occasions, and I am sort of envious of the remarks of the Senator from Kentucky—because as a committee chairman, I love nothing more than to bring a product out of my committee. Many times I brought them out with unanimous votes, only to have to spend days here on the floor as amendment after amendment was being offered to change, in some cases dramatically, the substance of our bill, which we had worked on for weeks and months and years in some cases.

So it is a new idea here to just accept committee product and say the other 90 or 85 Members should respect the work of our colleagues, and acknowledge that and pass the legislation as if we had all had some input here. That is unique and, I suppose, an idea that most of us would like to embrace at one point or another. But this is the Senate. This is not an operation that runs by fiat.

This institution has an historic responsibility. In this institution, every single Member has the opportunity to express themselves, not only rhetorically for unlimited amounts of time, but also with the ability to contribute to the policy products we frame. To suggest that other Members, including members of a committee that had commensurate jurisdiction, the Judiciary Committee, ought to be excluded from adding their thoughts and ideas, is ridiculous. Even members of both Committees, Judiciary and Intelligence, are excluded, such as Senator FEINGOLD. It was his amendment, as a member of both of these committees, that the Republican leadership would not even consider debating or acknowledging with a vote. So that is unique in any regard. Anyone who has observed this institution for more than an hour—or less—understands how this works.

So the idea that we should accept this bill because the President will sign it, is nice to hear, but I have been around long enough to know that Presidents will sign things they did not think they would in time, and particularly if we can add some thoughts that Members have.

I do not want to dwell on the procedural aspects of all of this, but I wanted to underscore the point that Senator REID, our leader, the majority leader, made this morning, on the unique idea that Members who have substantive ideas and thoughts and amendments should somehow stick them back in their pockets, accept the product of the Intelligence Committee and go home, because the President will sign that bill. I will be anxious to raise the argument in future dates when I bring a bill to the floor and I find that the Republican leadership is going to offer some amendments to my